

SECOND REGULAR SESSION

HOUSE BILL NO. 1587

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TROUPE.

Read 1st time January 23, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3663L.01I

AN ACT

To amend chapter 574, RSMo, by adding thereto one new section relating to mass transportation terrorism, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 574, RSMo, is amended by adding thereto one new section, to be
2 known as section 574.175, to read as follows:

**574.175. 1. A person commits the crime of mass transportation terrorism if such
2 person purposely commits any of the following acts and if the act committed, or in the case
3 of a threat or a conspiracy the act would be committed, on, against, or affecting a mass
4 transportation provider engaged in or affecting intrastate commerce:**

5 **(1) Wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;**

6 **(2) Places or causes to be placed any biological agent or toxin for use as a weapon,
7 destructive substance, or destructive device in, upon, or near a mass transportation vehicle
8 or ferry, without previously obtaining the permission of the mass transportation provider,
9 and with intent to endanger the safety of any passenger or employee of the mass
10 transportation provider, or with a reckless disregard for the safety of human life;**

11 **(3) Sets fire to, or places any biological agent or toxin for use as a weapon,
12 destructive substance, or destructive device in, upon, or near any garage, terminal,
13 structure, supply, or facility used in the operation of, or in support of the operation of, a
14 mass transportation vehicle or ferry, without previously obtaining the permission of the
15 mass transportation provider, and knowing or having reason to know such activity would
16 likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or
17 employed by the mass transportation provider;**

18 **(4) Removes appurtenances from, damages, or otherwise impairs the operation of**

19 a mass transportation signal system, including a train control system, centralized
20 dispatching system, or rail grade crossing warning signal without authorization from the
21 mass transportation provider;

22 (5) Interferes with, disables, or incapacitates any dispatcher, driver, captain, or
23 person while they are employed in dispatching, operating, or maintaining a mass
24 transportation vehicle or ferry, with intent to endanger the safety of any passenger or
25 employee of the mass transportation provider, or with a reckless disregard for the safety
26 of human life;

27 (6) Commits an act, including the use of a dangerous weapon, with the intent to
28 cause death or serious physical injury to an employee or passenger of a mass
29 transportation provider or any other person while any of the foregoing are on the property
30 of a mass transportation provider;

31 (7) Conveys or causes to be conveyed false information, knowing the information
32 to be false, concerning an attempt or alleged attempt being made or to be made, to do any
33 act which would be a violation of this section; or

34 (8) Attempts, threatens, or conspires to do any of the acts prohibited by this section.

35 2. Mass transportation terrorism is a felony for which the authorized punishment
36 is a fine in an amount not to exceed one hundred thousand dollars or imprisonment for a
37 term of years not less than ten years and not greater than twenty years or both such fine
38 and imprisonment, unless the offense resulted in the death of any person, or the mass
39 transportation vehicle or ferry involved in the act was carrying a passenger at the time of
40 the offense, in which case the punishment is a fine in an amount not to exceed one million
41 dollars or imprisonment for a term of years not less than ten years or life imprisonment or
42 both such fine and imprisonment.

43 3. As used in this section the following terms shall mean:

44 (1) "Biological agent", any micro-organism, virus, infectious substance, or
45 biological product that may be engineered as a result of biotechnology, or any naturally
46 occurring or bioengineered component of any such micro-organism, virus, infectious
47 substance, or biological product, capable of causing:

48 (a) Death, disease, or other biological malfunction in a human, an animal, a plant,
49 or another living organism;

50 (b) Deterioration of food, water, equipment, supplies, or material of any kind; or

51 (c) Deleterious alteration of the environment;

52 (2) "Dangerous weapon", a weapon, device, instrument, material, or substance,
53 animate or inanimate, that is used for, or is readily capable of, causing death or serious
54 physical injury, except that such term does not include a pocket knife with a blade of less

55 than two and one-half inches in length;

56 (3) "Destructive device":

57 (a) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a
58 propellant charge of more than four ounces, missile having an explosive or incendiary
59 charge of more than one-quarter ounce, mine, or device similar to any of the devices
60 described in this subparagraph;

61 (b) Any type of weapon, other than a shotgun or shotgun shell which the secretary
62 finds is generally recognized as particularly suitable for sporting purposes, by whatever
63 name known which will, or which may be readily converted to, expel a projectile by the
64 action of an explosive or other propellant, and which has any barrel with a bore of more
65 than one-half inch in diameter; and

66 (c) Any combination of parts either designed or intended for use in converting any
67 device into any destructive device described in subparagraph (a) or (b) of this subdivision
68 and from which a destructive device may be readily assembled.

69

70 The term destructive device shall not include any device which is neither designed nor
71 redesigned for use as a weapon; any device, although originally designed for use as a
72 weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or
73 similar device; surplus ordnance sold, loaned, or given by the secretary of the army
74 pursuant to the provisions of title 10 U.S.C. sections 4684(2), 4685, and 4686; or any other
75 device which the secretary of the treasury finds is not likely to be used as a weapon, is an
76 antique, or is a rifle which the owner intends to use solely for sporting, recreational, or
77 cultural purposes;

78 (4) "Destructive substance", an explosive substance, flammable material, infernal
79 machine, or other chemical, mechanical, or radioactive device or matter of a combustible,
80 contaminative, corrosive, or explosive nature;

81 (5) "Mass transportation", transportation by a conveyance that provides regular
82 and continuing general or special transportation to the public, including but not limited
83 to school buses, charters, and sightseeing transportation;

84 (6) "Serious physical injury", has the meaning given to that term in section 565.002,
85 RSMo;

86 (7) "State", includes a state of the United States, the District of Columbia, and a
87 commonwealth, territory, or possession of the United States; and

88 (8) "Toxin", the toxic material of plants, animals, micro-organisms, viruses, fungi,
89 or infectious substances, or a recombinant molecule, whatever its origin or method of
90 production, including but not limited to:

- 91 **(a) Any poisonous substance or biological product that may be engineered as a**
92 **result of biotechnology produced by a living organism; or**
93 **(b) Any poisonous isomer or biological product, homolog, or derivative of such a**
94 **substance.**